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10/018,769	12/21/2001	Sandrine Decoster	05725.0993	2464
22852	7590	11/23/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER	YU, GINA C
			ART UNIT	PAPER NUMBER
			1617	
MAIL DATE	DELIVERY MODE			
11/23/2010	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/018,769

Filing Date: December 21, 2001

Appellant(s): DECOSTER ET AL.

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MARK SWEET  
For Appellant

**SUPPLEMENTAL EXAMINER'S ANSWER**

Responsive to Reply Brief filed on August 23, 2010, a supplemental Examiner's

Answer is set forth below:

This supplemental examiner answer is issued for the purpose of clarification and correction of a typographical error made on p. 6 of Examiner Answer ("Answer"), and contains no new ground of rejection.

Claims 18, 20-28 and 30-51 remain rejected under 35 U.S.C. 103 (a) as being unpatentable over Mitsumatsu et al. (WO 99/13830) ("Mitsumatsu") in view of Oshima (JP 401009916 A) and Sebag et al. (WO98/03155) ("Sebag") for reasons of record.

#### ***RESPONSE TO APPELLANT'S ARGUMENTS***

1. On Answer p. 6, line 3, "C18 and C20" should be "C16 and C18".

Appellant argues that the examiner incorrectly interprets Examples 4 and 5 of Mitsumatsu as a composition comprising "C18 and C20 alcohols used in a mixture in 1:1: and 1:2 ratio". The examiner's statement on Answer p. 6, line 3 contains a typographical error which inadvertently referred to cetyl alcohol (C16) and stearyl alcohol (C18) as "C18 and C20 alcohols", respectively.

As indicated in the rejection, Mitsumatsu suggests using cetyl (C16) alcohol, stearyl (C18), and behenyl (C22) alcohol either individually or as a mixture on p. 24, lines 16-20, and discloses formulations comprising these fatty alcohols in Examples 3-5. See Answer at p. 3-4. Examiner's arguments in Answer are consistent with the grounds of rejection of the Final Office Action that appellant's claim limitation is rendered obvious over the teachings of Mitsumatsu in view of the Oshima's specific C18:C22 fatty alcohol combination.

2. Examiner maintains the position that one of ordinary skill in the art would have had a reasonable expectation of success in combining Mitsumatsu and Oshima.

In the reply brief, appellant continues to argue that the Mitsumatsu/Oshima provides no reasonable expectation of success. Examiner respectfully disagrees for the reasons indicated in Answer at p. 6-8.

3. Examiner maintains the position that Sebag was properly applied.

In the reply brief, appellant continues to argue that Sebag does not overcome the alleged deficiencies of Mitsumatsu and Oshima. Examiner respectfully disagrees, and maintains the rejection for reasons indicated in the Answer at p. 8-9.

Examiner respectfully submits that the obviousness rejection of record has been properly made and should be sustained.

/GINA C. YU/  
Primary Examiner, Art Unit 1617

/Fereydoun G Sajjadi/  
Supervisory Patent Examiner, Art Unit 1617

*Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).*

*A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:*

/Remy Yucel/  
Director, Technology Center 1600

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